

COCLJ AUTOMATION ADVISORY COMMITTEE
MEETING – March 31st and April 1st, 2011
HELENA, MONTANA

MEMBERS PRESENT

Chairperson Judge Larry Carver	Judge Gregory P. Mohr
Judge Linda Budeski	Judge Audrey Barger
Lisa Mader, Montana Supreme Court Administrator's Office	
Sharon Skaggs, Yellowstone County Justice Court	
Barbara Pepos, Richland Co. Justice Court-Sidney City Court	
Thelma Keys-Nicol, Kalispell Municipal Court	
Sheri Bishop, Gallatin County Justice Court	
Jennifer Boschee, President of MJC&MCCA	

Meeting was called to Order by Chairperson Judge Larry Carver at 9:00 A.M.

APPROVAL OF FEBRUARY 3RD, 2011 MINUTES

Correction to February 28th, 2011 Teleconference minutes was that attending was Judge Audrey Barger, not Linda Barger.

One correction to the February 3rd, 2011 Minutes was that Barbara Pepos was present by phone, not in person. Sharon made a motion that the Minutes be approved with the above correction and Judge Barger seconded. Committee voted and approved these minutes.

Judge Mohr wanted to make an Amendment to the Minutes of January 7th, 2011, Page 9 and 2nd paragraph. Where it said “he also felt that the issue regarding the signature of the Judge may end up being a court by court policy, since a small court has time for the Judge to sign the form, but in a larger court they do not.” Judge Mohr **did not mean that the form did not need to be signed.** He said clerks may sign the forms in the larger courts, therefore, Judge Mohr wanted this Amended to say: Clerk –vs- the Judge’s signature may be the procedure in the larger courts. The committee voted and approved this amendment.

PUBLIC COMMENT

No one was at the meeting for public comment.

UPDATE – LARRY CARVER

Judge Carver drafted a letter on behalf of the Magistrates Association which was entered into the executive session regarding the new \$5.00 surcharge and this bill died in committee. Therefore, the \$5.00 surcharge is not going to take place. Judge Carver reported that the distribution table may need to be changed due to the Public Defender bill which states that fees for the PD office will be collected at \$75.00 per hour and that the Judges shall upon their own motion incorporate this into their sentencing order and it will be their duty to collect. That money will be distributed first off the distribution table before fines, surcharges or other costs. Restitution will come first, after the restitution split. The first item on 46-18-251 will be for the Public Defender. That bill just came out

of the Senate. It passed by a vote of 24 to 22 and now goes to the House. The Association will try to fight it, but there is a possibility it will become law. Thelma inquired if this would be classified as restitution in the table. Judge Carver said that restitution is distributed first now. Thelma said they have a Public Defender fee set up in their court, but due to the Brown decision courts were not held responsible to collect those fees. All courts may have to adopt Thelma's court method if the law passes. Judge Carver said the logic behind this bill is to get the Public Defender budget in line.

Lisa said restitution is 50-50 right now, but she is not sure that the table will allow this before the other 50% is distributed. Claudia said right now 50% goes to restitution and then the remaining 50% goes to whatever is next in line. Claudia said this will require an entire change to the fee table to do Restitution first and then the next 50% to the Public Defender. Lisa advised we will have to discuss this further if the law passes. Judge Carver said he would write a letter to the Judges regarding the Public Defender bill and let all of them know what action needs to be taken. Judge Mohr added that he and Judge Carver have spent numerous hours on the phone regarding this bill. Right now, this bill would become effective immediately upon passage.

Judge Barger felt that more judges should call their legislature on these issues. She talked to her legislatures regarding the law that would increase the court's jurisdiction in Civil and Small Claims. Judge Carver stated there is some danger in doing it that way, instead of dealing with the Montana Magistrates Association. The Association made a deal with the legislators to not up jurisdiction to \$20,000 and \$15,000, but to raise it to \$12,000 and \$7,000, with the single argument of workload on the courts. Because of that agreement, they agreed to reduce amounts to \$12,000 and \$7,000 and not ask for the higher limits. In addition, Senator Blewitt is in agreement to increase the filing fees during the next legislative session.

Judge Carver inquired of the committee members, how many fill out the amount in the box on the Civil entry screen of amount claimed. Half of the courts do not put the amount of the claim in that box. None of the District Courts that he called were filling this out. The reason he wanted this information was to obtain data to fight the new civil jurisdiction bill. Judge Carver is suggesting in the future that the clerks enter the information, as the data could be very helpful when dealing with legislative issues. Judge Mohr stated that Judge Fagenstrom felt the new bill could reduce his work load, due to the fact the collection agencies are dividing up the medical bills to keep the cases in the Ltd. Court's jurisdiction, instead of filing all the medical bills on one claim in District Court.

The Department of Justice held a meeting with Judge Carver, Sharon, Lisa and Jennifer regarding the MANS form. When the results are back, the information will be shared with this committee.

There was a Judge who responded to the shutting down of the ROA codes and Judge Carver drafted a letter to explain the reason behind it. He sent the letter to the Chairman of the Commission on Courts of Ltd. Jurisdiction, but was not available to attend their

meeting. However, the COCLJ made a motion that any changes needed to Full Court are under the authority of the Automation Committee and the Court Administrator's Office, and this Motion was passed.

There will be a **Full Court conference in Helena on June 15th and 16th** and Lisa said her staff has discussed the training for the new users and the experienced users. There is room for 60 clerks or judges (who are their own clerks) to attend. Judge Carver felt that one of the things that the clerks could be asked to do is put the dollar amount claimed in the box on the entry screen for civil cases.

UPDATE – LISA MADER

At the very end of February, they were given the go ahead from the DMV to update courts with the new statute table. Of the remaining 60 Justice Courts that needed to be updated with the HP import, 35 now remain. 19 courts were installed in March alone and everything is going well. This is based off a rollout schedule that was worked on with Sgt. Tenney of the Highway Patrol. The courts installed have received this new update incredibly well.

Driver's license suspension and reinstatements: There were 132 courts that needed to be trained on this new procedure. 46% of those courts are complete. 61 of those courts were installed and trained in March. Staff was given an area to cover and asked to schedule training dates, with the project moving along as fast as it can. There was a little misunderstanding of the minutes, but the Best Practices has been changed. The change is that the clerk must print out a copy and make sure there is a Judge signature on the form, with that copy being put in the file. This has been e-mailed out and the staff was instructed to get this information out to the courts.

CitePay: Lisa gave the members a print out of the courts that are up and running with CitePay. This is not moving along as quickly, due to the coordination that needs to be done. Tammy is working on this project alone. Much of the work is technical, plus they have to receive all the authorizations and accounts from the courts and then it takes JSI about 2 days to get that information in their database. After that is done, then Tammy must upload all the files to CitePay. This is a project that does not have much training up front, but is dependent upon its usage and payments coming through CitePay. There is a guide provided by their staff. Judge Carver's court is next on the list. Two of the courts that had prior contracts for CitePay have been updated to the State contract.

Judge Carver brought up the fact that the Judiciary budget got cut \$1million, so this makes things even tighter. In addition, there will be a new IT director starting in April sometime. There is also a 2% personnel cut in effect. Lisa added that in the past staff was allowed to work overtime hours, but that has been cut, therefore, all work must be done during regular business hours. She still commends her staff for the outstanding work they have done so far.

Claudia has been working on the courts that run overdue processing, getting the new rules out to them. 9 courts are completed and 9 remain to be done. It is anticipated that

the remaining courts will be done in a couple weeks. Shortly, the staff will be working on Jury for District Courts. She knows that the Ltd. Jurisdiction Courts also want the Jury module and it will be put on a future agenda.

Lisa noted there have been some glitches with the DL reinstatements. In 99% of the cases, the DMV has been receiving them, but there is a backlog at their office. She spoke with Greg Noose about this and learned that the DMV was as much as 4 months behind in their processing, but now they are about 1 1/2 weeks behind. She had a court call and say they did the reinstatement on the 24th and DMV should have received it on the 25th. When Lisa checked the document was there, but not processed yet due to the backlog.

Marty said the project is going real well, but was told about one court where none of their documents were received. Lisa said the glitch in that one court was going to be fixed. Marty said he did receive a request that a notice go back to the Court when the documents have been received in the DMV. This question was asked at the last meeting where it was deemed not necessary. However, it is technically possible to set this up where a court has an option to receive notices, or not receive notices. It would take some time to implement this option, however. Judge Carver inquired if this should be done through a change request.

Sheri said her court, Gallatin County Justice Court, has discussed this very issue of getting a notification when the DMV has received their forms. Marty said a previous discussion was that other transactions taken by the judicial broker do not send receive notices back to the courts. Jennifer noted that **Marty can provide proof to a court that a notice was received by the DMV.** Lisa stated a change request may require more of Marty's time, whereas if the option is built in to the program, then each court can decide yes or no about receiving the *received notices*. Judge Carver said they need to know if the committee made a decision on this issue previously.

Lisa said the minutes state that "One thing Marty does not like about this process is no feed back to the Courts showing the information was distributed. If the process fails, he would be the one fixing the problem. Failures would be tied to technical problems, not with the actual document itself. However, if someone renamed the title, this could cause the failure of the document being picked up." There was just discussion, no vote regarding the feedback.

Thelma wanted a clarification as to what the court will receive. Marty said it would be notification that the forms have been sent to the DMV. Lisa said one issue was when Ravalli County called the DMV and asked if their documents had been received and were told no. But, when Lisa called the DMV checking on one particular case, Vicki at the DMV did some checking and found the paperwork on someone's desk. But it had not been entered yet due to a backlog. Lisa said it may be a matter of miscommunication. Sheri wondered if the courts could receive an error report if for some reason the forms did not get sent to the DMV. Judge Carver wondered if this was a necessity, because for the last 20 years he has sent DL suspensions, no one has contacted him to say it was

received by the DMV. Marty again said that if he received an error report, he takes care of it on his end.

Lisa suggested going forward with the install process and see if the bugs work themselves out, especially with the DMV getting more caught up. Marty said there were a couple of courts that wanted the feedback in this process. Judge Carver said his recommendation would be this is still a new process and if it proves to be a problem in the future, then the committee can look at it. Judge Mohr wondered if the DMV gave Lisa a date when they anticipated being fully caught up. Lisa said the date may be a moving target with the staff reductions taking place with the State. Also, the DMV is getting the DL suspensions now in 4 separate ways; through the distributed court document, by e-mail, by fax and in the mail. Lisa said they are 46% complete with the courts on this project, but as this project gets going, it is anticipated that the distributed court document will eliminate some of the backlog.

Again, Judge Carver said if anyone inquires about changes, to let them know that the project needs to be completed before they start making changes to it. The committee agreed with this decision. Lisa said they experienced a miscommunication with the live HP import in Missoula. One of the HP supervisors had been gone, so the communication did not go out as soon as needed to his troopers.

Marty said some of the courts have complained they want to be able to handle Fish, Wildlife & Parks suspensions in the same manner. Therefore, at some point in the future, it may be good to discuss all the documents that could be transmitted in the same manner as the DL suspensions and reinstatements.

Jennifer noticed that on CitePay, it doesn't pull the bond amount due over properly. For example, on 61-8-310 speed violation, CitePay put the fine at \$65.00 instead of the \$55.00 shown in the bond schedule. Lisa said this is the same issue Judge Carver had regarding the speed schedules. She wants to check those schedules and correct the ones that do not match. Lisa noted, however, that the Officer has the ability on Smart Cop to overwrite the bond amount. Sgt. Tenney was informed of this and he put out a memo to his officers telling them not to change any amounts that come up for Bond in Smart Cop. The officers have also been advised not to collect bond amount, and they won't collect bond until the courts agree to accept Roadside Payments, which is not high priority for this committee. However, every once in awhile the bond will be collected, as Lisa noticed in the Missoula Court.

Lisa finished by talking about the MHP import and the VIN numbers. A request came from the HP to begin importing the VIN numbers, as Smart Cop does collect the VIN number. In the beginning when the pilot courts were done, that information was not included. To include this, Marty would need to make some substantial changes and he thought it may take 2 weeks to program and test. The anticipated time frame to work on this would be mid-July. Judge Carver does like it when he has a VIN number and he can verify that vehicle with the proof of insurance card when he gets a ticket for no liability insurance. Even though, the VIN is not included in the import, the court can still open

the citation and see the VIN there. Marty said at some time in the future they will expand this feature; some courts had prior import programs that do not include the VIN numbers.

RECORD RETENTION SCHEDULE

Judge Carver noted there will be a committee appointed to look at the court Record Retention schedules. He wants a member of this committee to be on that committee.

UPDATE – CITEPAY

JSI was being contacted to discuss the following issues:

- Bond received at the jail
- Age limitation for on-line payments
- Corporation payments on Citepay
- Previous revisions of statute table
- The advertising of CitePay
- ROA code standardization and table securities
- Columbia Falls ROA request

A discussion was held regarding persons under 18 YOA paying a ticket on CitePay. Right now this is not possible. Some of the judges want to see the under 18 YOA offenders and make sure the parent and/or guardian is aware of it. Judge Carver asked Lisa if this could be a court-by-court decision, but it is more maintenance and more work for Tammy. In fact, Tammy would need to go to each court database and make the change. Judge Carver said for right now, it will stay as it is set up now, which is not to allow under 18 YOA to pay online.

The other issue involved payment with a corporation credit card, as Judge Barger gets the Railroad coming in to pay tickets in that manner. JSI suggested going to the particular charge in Full Court and then checking the box which says: no date of birth lookup. Then the corporation can make the payment. This is done on a charge basis. This would fix the problem that Judge Barger has.

The next issue dealt with an old statute table done in 2001. Back then it wasn't always marked correctly whether the charge was a must appear or not. CitePay is set up to look for a disposition when it is marked must appear and the non appear statutes are available on CitePay without a disposition. The old 2001 table has some statutes without anything marked as far as must appear or non appear. Lisa is asking the committee if it is necessary to go back to the 2001 statute and redo it for CitePay, or handle this on a case by case basis. The committee did not want her staff reworking the 2001 statute table.

Lisa commented about the committee's suggestion of hiring a company to make the CitePay labels for the courts. However, the problem is each court has its own link, which would mean the vendor would need the proper link for the court. It was suggested the courts would need to take care of this on their own. Sharon said they have changed all their overdue documents to have the information with CitePay on them. Jaime at the help desk can help any court with this project. Judge Carver suggested that we advertise on

the www.mt.gov site. Also, each county should add this to their county web site. Lisa said these suggestions are in the Best Practices guide.

JSI personnel Ernie and Bill joined the meeting by phone at 11:00 A.M. We were to discuss bonds posted at the Jail. Ernie began by stating if they know there is a Warrant or Bond amount due, they will make changes to the software of the CitePay component, so that a person who is picked up on a Warrant and taken to a detention center in the State of Montana can post bond by Credit Card, not e-check. Any person can go on line, whether in the State of Montana or not, key in the parties birth date, the case number, the Court where the case resides and the name of the detention center where defendant is held, which will open the case so they can post the bond on CitePay. When the payment is complete at CitePay, meaning all notifications have come back from the credit card processor, an update to the case will occur in Full Court, and then an automated e-mail available 24 hours a day will be sent to the Detention Center. Ernie said they would need to know the names of the detention centers in Montana and what their e-mail address is. The person paying will select the detention center from a drop down list. The e-mail to the detention center will state that "blank" amount of bond has been posted for the defendant. That way it won't matter which detention center the defendant is held in, as the bond will go to the proper court that has the case.

Judge Carver inquired of the time frame from when the bond was posted to when the e-mail would be sent to the proper detention center and Ernie replied under one minute. Ernie said they will be dealing with many components of technology here and that the e-mail server at the detention center will have to be robust enough in order to receive the e-mail quickly. Ernie's concern is the detention center may only read their e-mail once a day. Ernie said it did not matter how many e-mail addresses would be given to them for a detention center, as the e-mail demon would send it out to everyone. The issue is to maintain those e-mail addresses at the detention center, in other words when someone is replaced, to change the e-mail address so they are always current. Judge Carver agreed that we would handle this at our end, to contact the detention center and obtain their e-mails.

Sharon mentioned the receipt would need an appearance date on it for the Defendant to appear in Court. Judge Carver said it would be better if the detention center set the appearance date. Judge Barger suggested that the Judges put information on their Warrant about appearing in Court. Lisa wanted to know the time frame for this and Ernie wanted to know if the committee liked this idea. Ernie said this would not take weeks to implement.

In the case where someone is arrested on newly issued tickets which are not in Full Court, their only option is unapplied receipts. The question for the poster is will they know what Court to pick. Judge Mohr replied in most cases, the arrested person will have a set of tickets with preset citation numbers. Bill added that right now if someone posts bond on CitePay they are required to enter the Citation Number and that number is available on the unapplied receipt in Full Court. In the situation noted by Judge Mohr, the citation number is going to be court specific.

Ernie wanted to know if the defendant would ever be taken to a detention center and the court would not be associated with that particular detention center. Judge Carver said this would happen a lot in Montana, because for example Fergus County Detention Center is the facility for about 5 counties and 8 courts. Lisa wanted to know if the NTA number could be tied to the court.

A person gets a citation and he is arrested and wants to post bond on CitePay. The court has not imported this citation yet. We hit the main question right away, Bill said, because once the defendant is on CitePay, he must pick the proper court from the drop down list. Ernie wants to know if the court can be determined from the number on the NTA. Judge Carver said the citation will say he must appear in a certain court. Ernie said if there is some way he can determine which court he must appear in, then whoever is on CitePay (whether the defendant or his mother in Tuscaloosa, AL) they will have to pick the proper court first. Bill said that selection drives where the unapplied receipt is going to show up. From there he must choose the County where he is held and that will narrow down the detention center. Therefore, if there is only one detention center in that County, he will only have the option to pick that one. The system requires the detention center be selected.

Bill said when the modifications are made that Ernie is talking about, there will be a group of detention centers for the State of Montana and once the proper county is picked, the list is narrowed down to the detention centers in that county, if there is more than one. Lisa asked if it would change from the court selection first to the detention center and Bill said No that is not going to change. What it will do is allow someone to post bond in a court, where the detention center is in another county. Bill said if they could map a detention center to a court, then the defendant would not have to pick the detention center. What is worrisome is if the detention center accepts bond for more than one court. But, what they could do right now is when they pick the proper court, narrow down the list to the detention center that reasonably is attached to that court.

Judge Mohr said the citation is definitely showing the proper court, but there must be communication with someone in order to start the process to bond out. It could be Aunt Agnes or Grandma or the defendant, and he knows what detention center this is starting out at. It is ticket specific, or jurisdictional specific, whether it be Richland County Justice or Sidney City Court. No one is going to write a ticket in Richland County and advise them to appear in front of Judge Carver in Stanford. Therefore, it is reasonable to say that the defendant or his mother is able to pick the proper court from the ticket and then inquire what the name of the detention center is. Judge Mohr gave an example of the Richland County Sheriff's Department tickets as C27A prefix. There is no other agency in the State that uses tickets with that prefix. The Sidney City Court receives tickets with prefix 104A and there is no other law enforcement agency using that prefix.

Judge Carver said so far this is going to work as presented. The Defendant can match his citation to the court and to the detention center and the detention center can be mapped to the court. Lisa went on with the screen presentation to where the person was posting

bond and they can put their e-mail in there too, if they want to get notified. Then they must enter the Citation Number, and when that payment is processed it creates an unapplied receipt to the court they chose and that unapplied receipt references the citation number. Lisa said there are no pre-set rules for entering the citation, so even if it is entered off by a number, the court still has the defendant name and the bond amount. When the ticket comes in, the court will be able to see that the unapplied receipt goes to that ticket, whether the citation number was entered correctly or not.

Judge Carver asked Ernie and Bill what happens after all this has been completed. Bill said once the payment is approved at CitePay, then the process sends an e-mail to any e-mail address configured to that detention center and any e-mail address configured for that court. The court is notified that a bond has been posted via an unapplied receipt. The person who posted the bond gets forwarded to a CitePay receipt screen, which will print a receipt showing the name of the defendant and also a transaction number. This transaction number can be easily matched up in Full Court as well.

Jennifer asked how someone finds out the bond amount. The detention center must tell the person who wants to post bond, what amount is needed for the defendant to be released. Sharon inquired about the bond authorization from the poster, if it is different from the defendant, they must have authorization from the poster that the bond can or cannot be used as the fine. Bill said this had been programmed in from the discussion that JSI had with us about one year ago. Bill said they set mandatory and optional conditions which must be checked off before they are able to post the bond. The site captures their answer and this is part of the information that goes back to the Court and is recorded on the unapplied receipt. Therefore, Lisa was going to continue on processing the demonstration, so the committee could see that screen.

Judge Carver believes the change that he heard today from JSI is that the Court will receive an e-mail that an unapplied receipt is in the system. Bill said yes they are doing that. The committee agreed this is a great idea. Judge Carver said the members were uncomfortable with unapplied receipts before, because they may be unaware of them. But, now the Court gets notice there is an unapplied receipt and where it goes, so Judge Carver thanked JSI for doing that.

Ernie, however, said it is only as reliable as e-mail is, as they have had this capability in Idaho for a few months and he knows they had a case where something happened with the e-mail system at the jail and the jail held the person until the next morning when they could contact JSI and ask if the transaction went through. Judge Carver asked if any private information is on the e-mail and Bill said what they enter on the screen is going to be seen on the e-mail. Bill said everything they enter for the defendant actually goes into the record in Full Court, but the e-mail will contain everything entered by the person who has paid the bond, such as amount paid, citation number and so forth. Judge Mohr asked if this function was only Montana specific. He asked if it is specific to any of the states that JSI is doing business with. JSI said the system could be setup to do that with Idaho or Wyoming, but currently does not have that function. CitePay can accept money from any state that is using their software, so this could be configured in the future.

Ernie and Bill both said that e-check will not be available for the posting of bond on CitePay. Judge Carver inquired about the swipe machine that could be used at the court window. Ernie said that two courts in Kansas will receive the swipe machines and software this week for testing. This is called in-court automated processing. This machine is just a terminal that is connected to the work station that is connected to the internet. Ernie said these terminals are purchased from VeriPhone. Ernie said without question Montana will want these terminals, because if someone is on the phone all that is needed is to key those credit/debit card numbers into the terminal. This is all connected to Full Court so the case is updated automatically. Ernie said there is a cost per terminal as they retail for \$500 per terminal, but statewide there would be a significant discount.

When first discussing the terminals, Sharon recollects that the terminals would be supplied and there would be no additional cost to the courts. Ernie stated he did not say that because his attorneys and accountants have advised them from the very beginning that they do not want to create a case of nexus in Montana. There must be a financial consideration to assure they do not do this. Barb recollected that in Kansas at the JSI Conference, the terminals were going to be at a nominal charge to the courts of \$10 or less. Since Kansas, Ernie said they have had to purchase all the terminals and software to make this come together and it is not going to be under \$10, he assured us. This was pre-release information at the conference and as it turned out it is going to cost more. Ernie said they must pass some of the cost onto Montana, or they risk creating an issue with Sales Tax or State Income Tax.

Sharon was concerned about the Optional part of the bond posting on CitePay, as courts can get stuck with bond, not knowing who to send it back to, or if it can be used to take care of the fines and fees. She feels a choice must be made by the poster. Sharon said in her court, the poster must sign a document they either do or do not want to have the bond used for fines and fees. Judge Carver did not recall this part as being optional also. Ernie said it was close to 2 years ago when they discussed this. Lisa and Judge Carver believed they need to take the word "agreement is optional" out of that language. Ernie said they could easily make the language say, "By paying this on-line, you agree to the following..." Judge Carver did not think they should do that, but just wanted the word "agreement is optional" off the agreement which says, "Upon final disposition of the defendant's case, I authorize the use of this bond to be applied to the defendant's fines, fees or restitution." Instead put Yes or No. In other words, I agree, Yes or No. Ernie asked Lisa to mail that exact language to them.

Lisa wanted to process the receipt, so she can show the committee what it said. Ernie did mention that American Express has wanted to be a part of CitePay, but they charge too much for their services. It was noted that at the bottom of the receipt, it did say, "I do not authorize the use of this bond to be applied..." and that was because Lisa checked No when the Agreement is Optional showed on the screen. Afterward, Lisa went into Full Court, Receipts by Date, and the unapplied receipt was there.

Judge Carver asked the committee if they wanted to adopt the procedure for Warrants of Arrest as explained by Ernie and Bill in this phone conversation. Judge Mohr made a motion that we adopt the procedure for Warrants of Arrest on CitePay, Sheri seconded. The committee unanimously agreed to this motion.

Discussion then went on to the unapplied receipt part of CitePay. Lisa pointed out there are two separate areas here. One is the person driving down the highway, gets a citation and gets home and wants to pay it, versus the posting of a bond for a person held in a detention center. She felt they may not want to accept unapplied receipts across the board. Ernie explained that even though the Citation shows the court name right there, a defendant somehow went in and picked the wrong court. This was an incident where two cities which were nearby, both began with the letter A. Unfortunately, the wrong court had money on an unapplied receipt for a case they were never going to receive. Lisa gave the likelihood of this happening with Anaconda or Deer Lodge. Judge Carver commented he gets mail for the Judith Basin District Court all the time. This matter was resolved between the two courts, so the money sent to the wrong court was eventually sent to the proper court where the citation was filed.

Judge Carver asked how a check is generated from an unapplied receipt. He was not sure this could be done when there is no case in Full Court. Bill said they can turn on the process for unapplied bonds without turning on the unapplied fines and fees. Judge Carver wants to stay with the procedures that were shown to the committee today regarding unapplied receipts at the jail. Judge Barger made a motion that they use unapplied receipts for the posting of bond at a detention center upon an arrest. Sheri seconded that motion. Question had been called and members voted, approving this motion.

The part of the meeting with JSI ended. Claudia was asked how to handle the situation where a defendant receives a ticket somewhere in the State and the money was sent to Judge Carver, although, the unapplied receipt should have gone to Judge Mohr. He wanted to know how to get this money out of unapplied and send a check to Judge Mohr's court. Claudia said you go to unapplied receipts, find the proper one and either issue a refund, or send the check to whoever it needs to go to. For Auditing purposes, the full transaction will show up on unapplied receipts, plus in the check register you can track it. Claudia said it can be researched through unapplied receipts, party name or under your check register. Claudia said she has not witnessed numerous entries in the unapplied receipts in the courts.

Lisa asked how a court would know where to send the unapplied receipt, in the scenario of the wrong court receiving the payment from CitePay. Judge Carver said when he looked at the unapplied receipt; he would see the citation numbers entered and be able to figure out what agency issued the citations, so he knew which court would handle it. Lisa thinks it may work the same as when a citation is entered in bond and the person only puts in the numbers following the last A and you don't receive the citation number with the prefix. Judge Carver said he would contact agencies and ask them if they have record of a ticket written to this particular defendant. He would still have to track it, even if it

came in an envelope in cash, without the ticket. Lisa also wanted to clarify the problem that CitePay has had with unapplied receipts where Ernie said it has happened twice. Lisa spoke to Mary who is the specialist with JSI and deals with this issue and she said New Mexico has had numerous problems with the money being posted to the wrong court. It was also in our previous minutes when Ernie did not recommend using unapplied receipts for non-arrest type citations. Judge Barger stated it takes a lot of time to track payments down when they are left at the wrong court. She often does this now with the Havre City Court.

Judge Carver said there was much that got accomplished today, with trying to solve the problem of bond when someone is arrested. Regarding the other situation, where they cannot pay their speeding ticket right away on CitePay because it hasn't arrived in the court yet, for the defendant to wait a day or two is no huge problem. Lisa asked the committee if it is OK to not push out the Warrant and bond posted for someone at a Detention Center, until the documents are all up and going and it has been tested. She would also appreciate some time to get her staff up to date on where they are headed.

Judge Mohr made a motion that they delay the CitePay option for Warrants and the arrest on newly issued tickets, until staff has had the time to bring everything up to date, including the identifying of detention centers and their e-mail addresses. Right now, Lisa said they talk to the court and send an e-mail requesting the needed information to get CitePay up and running. Lisa said the one thing they could add is who at the detention facility should be notified when bond has been posted for an inmate. Who are your detention facilities, what are their addresses and phone numbers and Lisa wanted to know who would discuss with them having a global e-mail address? Judge Carver said the Judge would handle that and it would have to be clear to the detention center that the e-mail address would need to be 24-7, so even if someone is on vacation, the e-mail is picked up immediately. Ernie did say they will take several e-mail addresses, if that is what is needed at the detention facility. Judge Carver added that if the detention facility cannot provide reliable 24-7 e-mail addresses, then no one will be able to use CitePay there.

The committee began their work on ROA codes and this part would not be put in the minutes.

Columbia Falls ROA REQUEST

Judge Carver felt we could not discuss this at the current time, as the committee did not have a current list of all the ROA codes that were discussed at the meetings. Once that is done they would be in a better position to address ROA requests.

Committee draft Letter – Trust Accounts – New Judges

This is not an urgent issue at this time. The letter was to assist a new judge when they took office and the former Judge left an unacceptable accounting system and what would be the Best Practices at that time. This would be dealt with at another meeting.

REQUEST FROM JUDGE HOMME

Lisa addressed a question from Judge Homme in Miles City regarding his audit completed by Olness and Associates. He got a hit on his audit due to the time payments and there was no reconciliation to look at. Their recommendation is that the court prepare a reconciliation of the time payments, beginning at the 1st of the month and ending at the end of month and they do this every month. Judge Homme is asking if he can use Quick Books to accomplish this. Lisa said the problem is they do not have a license for Quick Books, they do not support it and they do not have the software to back it up when the time comes to change computers in the Court. Tammy did not think it would be a problem, but the court would be responsible to keep it updated and managed. Jennifer said her Judge wants to do that extra work to keep the auditors happy. The problem could come up where it does not match Full Court, and then someone must try to explain why they do not match.

Lisa said the Judge would be in charge of it and he would make sure that it matched with Full Court. Judge Carver said they cannot advise a Judge what to do or not do when it comes to running his Court. Judge Homme understood where Lisa was coming from when she said they could not support him on that program. Judge Carver said Quick Books is not an approved accounting program with this committee and it is not an approved part of Full Court. But, Judge Homme can buy the program, license it and put it on his computer to use, just like a Judge who decided they wanted to use Word Perfect over Word, which they can do. Lisa says that causes issues also, because they get calls asking for support on WordPerfect and they cannot give it. Judge Carver also said the automation committee and the Court Administrator's office has no duty to support Quick Books, or to provide training for that program. Thelma said every court gets a ding from the auditors for the same thing.

Judge Carver wondered if it should be put in the minutes that the Automation Committee will not approve or support any program out of Full Court. Lisa does like the idea of having something in writing, via minutes is good, that says the Automation Committee does not condone other accounting practices outside of Full Court. Cindy has been working for months with Mineral County on their Virtual Cashier issue in trying to get them straightened out in Full Court. Lisa did advise Judge Homme they do not generally allow unauthorized software on their computers.

Judge Carver will put this on the agenda for the next meeting.

NEXT MEETING DATE

Next meeting is scheduled for Thursday, May 19th, 2011 and possibly May 20th if there is a need for a 2 day meeting.

MEETING ADJOURNED

Minutes submitted by member, Barbara J. Pepos